



July 29, 2013

The Honorable Franklin L. Noel  
United States District Court  
U.S. Courthouse, Suite 9W  
300 South Fourth Street  
Minneapolis, MN 55415

RECEIVED  
13 JUL 31 PM 1:17  
CLERK U.S. DIST. COURT  
MINNEAPOLIS

**Re: AF Holdings LLC ("AF Holdings" v. John Doe)  
12-1445 and 12-1448**

Dear Judge Noel:

We are in receipt of Your Honor's Case Management Order dated July 16, 2013 in the above matters. As Your Honor may recall, Thompson Hall represented John Does in the above matters as well as matter 12-1447. The John Does in 12-1445, 12-1447, and 12-1448 are in receipt of the July 16, 2013 Orders.

The John Does in 12-1447 will be in attendance for the Case Management Conference. The John Does in 12-1445 and 12-1448 are greatly appreciative of Your Honor's efforts to investigate the applicability of Prenda's wrongdoing (as determined by Judge Wright) to these cases, but respectfully request to be excused from the Case Management Conference for the reasons set forth below.

When the John Does received notification that their personal information was being subpoenaed by AF Holdings, they shared the Court's suspicion that these cases were shakedowns. Nevertheless, once early discovery was granted, the John Does were left with the choice of pursuing extremely expensive litigation in Federal court and enduring Prenda's intimidatory<sup>1</sup> tactics, or settling and leaving the resolution of this systemic problem to the Judiciary, the Attorney General, the Ethics Board, the IRS, and the State Attorney. Unable to fund the litigation necessary to expose Prenda, the John Does opted for the latter option and settled.

Since the settlements, Prenda representatives asserted their Fifth Amendment right against self incrimination at Judge Wright's Show Cause hearing thereby permitting the inference of a host of wrongdoings by Prenda in all of their cases.

---

<sup>1</sup> Intimidation was a central tactic employed by Prenda (in its various iterations). In addition to attempting to embarrass John Does by alleging infringement of pornographic content, they filed retaliatory lawsuits against John Does who had filed Motions to Quash, then encouraged those John Does to file bar complaints against their attorneys. Prenda has also filed a lawsuit directly against at least one attorney who represents John Does.



Several Show Cause hearings have been held against Prenda across the country including one in *Guava, Inc. v. Spencer Merkel*, District Court in the Fourth Judicial District, County of Hennepin, 27-CV-12-20976 where a patsy Defendant admitted to conspiring with the Plaintiff and their attorneys so that the Plaintiff could Subpoena contact information of hundreds of John Does. We await Judge Bransford's Order on sanctions in that matter.

However, the undersigned is unaware of an instance where the victims of these shakedown schemes have been ordered to appear at an investigation of Prenda's wrongdoing. We respectfully contend that such a requirement victimizes the John Does for a second time, and subjects them to the same embarrassment Prenda so effectively leveraged to secure settlements across the country.

The John Does do not have do not have information regarding forgery of copyright assignments, the misappropriation of Mr. Alan Cooper's name, the existence of AF Holdings, whether AF Holdings owns any copyrighted material, or whether Plaintiff's counsel found a basis in law or fact to determine that these cases were non frivolous before filing them.

Based on the foregoing, the John Does in matters 12-445 and 12-1448 respectfully request to be excused from the upcoming Case Management Conferences described in Your Honor's July 16, 2013 Orders. The undersigned counsel will be attending the conferences whether or not the John Does are required to appear.

. Respectfully submitted,



Mark C. Santi  
Attorney at Law  
For the Firm  
(612) 466-0090  
[msanti@thompsonhall.com](mailto:msanti@thompsonhall.com)

MCS/aks

CC: John Doe in matter 12-1445  
John Doe in matter 12-1448  
Michael Dugas, Esq. Alpha Law Firm, LLC